STATE OF NEW YORK

11332

IN ASSEMBLY

May 11, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Romero) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the denial of access to public records that relate to civil investigations; to amend the executive law and the civil rights law, relating to the enforcement powers of the attorney general; to amend the education law, in relation to authorizing the attorney general to enforce the provisions of the education law against covered entities who engage in discrimination and the powers and duties of state university trustees; and to amend the public health law, in relation to the compromise of certain claims the state may have

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs iii and iv of paragraph (e) of subdivision 2 of section 87 of the public officers law, as amended by chapter 155 of the laws of 2022, are amended to read as follows:

iii. identify a confidential source or disclose confidential information relating to a **civil or** criminal investigation; or

iv. reveal **civil or** criminal investigative techniques or procedures, except routine techniques and procedures;

§ 2. Section 297 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. Where the attorney general determines that an unlawful discriminatory practice is repeated or otherwise persistent, the attorney general shall have a cause of action in any court of appropriate jurisdiction for damages, injunctive relief, and such other remedies as may be appropriate. The attorney general is authorized to take proof, issue subpoenas, and administer oaths when investigating whether an action should be filed. The term "repeated" as used in this subdivision shall include repetition of any separate and distinct unlawful discriminatory practice, or conduct that affects more than one person. The term "persistent" as used in this subdivision shall include continuance or carrying on of any unlawful discriminatory practice. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or any other person authorized to bring an action under this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. Section 40-c of the civil rights law is amended by adding a new subdivision 3 to read as follows:

3. Where the attorney general determines that a political subdivision of the state or any private actor has violated this section in a manner that is repeated or otherwise persistent, the attorney general shall have a cause of action in any court of appropriate jurisdiction for damages, injunctive relief, and such other remedies as may be appropriate. The attorney general is authorized to take proof, issue subpoenas, and administer oaths when investigating whether an action should be filed. The term "repeated" as used in this subdivision shall include repetition of any separate and distinct violation, or conduct that affects more than one person. The term "persistent" as used in this subdivision shall include continuance or carrying on of any violation. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or any other person authorized to bring an action under this section.

§ 4. Section 75 of the executive law is amended by adding a new subdivision 6 to read as follows:

6. Protected rights, privileges and immunities. It is unlawful for any covered agency, or any agent thereof, or any person acting on behalf of a covered agency, to engage in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured or protected by the constitution or laws of the United States or the state of New York. Whenever the attorney general has reasonable cause to believe that a violation of this section has occurred, the attorney general, for or in the name of the state of New York, may in a civil action obtain any and all appropriate relief to eliminate the pattern or practice. Venue for a civil action brought under this section shall be in New York County or Albany County. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or any other person.

§ 5. The education law is amended by adding a new section 2-e to read as follows:

§ 2-e. Addressing repeated or persistent discrimination. 1. The attorney general shall have jurisdiction to investigate and bring any civil action or proceeding in a manner consistent with the authority granted by subdivision twelve of section sixty-three of the executive law, including to take proof, make determinations, and issue subpoenas, which, in the attorney general's judgment, is necessary for the effective enforcement of any provision of this chapter, the violation of which resulted or foreseeably will result in repeated or persistent discrimination based on a person's actual or perceived race, color, weight, national origin, citizenship or immigration status, ethnic group, religion or creed, religious practice, disability, sexual orientation, gender expression or gender identity, sex, marital status, familial status, pregnancy, or status as a victim of domestic violence, sex offenses, or stalking, by any covered entity. For the purposes of this section, "covered entity" shall include all public elementary or secondary schools, school districts, and charter schools; provided, however, nothing in this section shall apply to colleges, universities, or private, religious, or denominational educational institutions. Testimonial evidence given by school employees in such enforcement matter shall not be admissible against such employee in a disciplinary proceeding brought against such employee by the employing school district or other entity.

2. Where the attorney general has the authority to bring a civil action or proceeding in connection with the enforcement of this chapter, in lieu thereof, the attorney general may accept an assurance that such act or practice in violation of subdivision one of this section from any person or covered entity has ceased. Evidence of a violation of such assurance shall constitute a prima facie proof of violation of the applicable law in any civil action or proceeding thereafter commenced by the attorney general. Any civil action or proceeding brought in connection with the enforcement of this section shall be commenced within six years.

3. Nothing in this section shall preclude or limit the rights, remedies or causes of action provided under any law to the attorney general, any person, agency authorized to enforce or bring an action under this chapter, or under any local, state, or federal ordinance, law, or regulation including but not limited to, any remedies or rights available under the individuals with disabilities education act, titles VI and VII of the civil rights act of 1964, title IX of the education amendments of 1972, section 504 of the rehabilitation act of 1973, or the Americans with disabilities act of 1990.

§ 6. Subdivision 10 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

10. The state university trustees may authorize the chief administrative officer of each medical center of the state university operating in-patient or out-patient hospital facilities or clinic facilities to compromise any claim which the state may have for care, maintenance or treatment received or furnished to patients in such facilities, in proper cases, where substantial justice will best be served thereby. Any such compromise shall be [~~subject to the prior written approval of the attorney general~~] in accordance with parameters established by the office of the attorney general.

§ 7. Subdivision 3 of section 2602 of the public health law, as added by chapter 425 of the laws of 1967, is amended to read as follows:

3. The commissioner may in [~~his~~] the commissioner's discretion, in proper cases, where substantial justice will best be served thereby, waive such bills or compromise any portion of such bills for the maintenance, care and treatment received or furnished to patients in the hospital. Such waiver or compromise shall be made only upon prior approval of the comptroller [~~and the attorney general~~] when [~~they deem~~] the comptroller deems it to be for the best interest of the state.

§ 8. Subdivision 3 of section 406 of the public health law, as added by chapter 211 of the laws of 1972, is amended to read as follows:

3. The commissioner may in [~~his~~] the commissioner's discretion, in proper cases, where substantial justice will best be served thereby, waive bills for the maintenance, care and treatment received or furnished to patients in any of the hospitals or institutions of the department or compromise any portion of such bills. Such waiver or compromise shall be made only upon prior approval of the comptroller [~~and the attorney general~~] when [~~they deem~~] the comptroller deems it to be for the best interest of the state.

§ 9. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, any other application of any provision of this act, or any other provision of any law or code amended by this act.

§ 10. This act shall take effect immediately.